

Application No. 10/080,818

Amendment dated June 13, 2003

Reply to Office action of March 14, 2003

REMARKS

Claims 1 to 20 are pending herein, with claims 1, 2, 9, 10 and 17 being amended for clarity, claim 13 being amended to overcome 35 U.S.C. §112, second paragraph, grounds of rejection, and claims 18-20 being newly added dependent claims.

The Examiner objected to the drawings because on FIG. 3 reference numeral "28a" incorrectly pointed to the end of the female barrel. This incorrect reference numeral has been replaced with the correct reference numeral "24b" as requested by the Examiner.

The Examiner rejects claim 17 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent no. 5,561,886 to Flamme. The Examiner states that the Flamme reference discloses each feature of the recited claim 17. Claim 17 recites "a first and second male barrel portion, each male barrel portion "formed from a single section of material and having a pin extension having a pin length". An examination of the Flamme reference makes it clear that the pin 13 of the male barrel portion is not "formed from a single section of material", but is a separate "hinge pin 13". Indeed, at col. 4, lines 40-42, the Flamme reference states that "FIG. 2 shows the press fit of the hinge pin 13 in a sleeve-like receptacle 25 and the construction of the lower hinge pin support 27." Thus, the Flamme reference does not disclose a "male barrel portion formed from a single section of material", and this grounds of rejection is traversed.

The Examiner rejects claims 1, 4, 5, 8, 9 and 12-14 under 35 U.S.C. §103(a) as allegedly being unpatentable over Flamme in view of U.S. patent no. 5,774,938 to Kent et al. The Examiner states that Flamme fails to disclose an aperture within the female portion for a lubricant fitting, but cites Kent as teaching a female portion (10) with an aperture for a lubricant fitting (58) for the purpose of providing the interior spaces of the cylindrical portions of the hinge

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with grease. The Examiner states that grease protects various assemblies from outside contaminants and that it would have been obvious to one having ordinary skill in the art to incorporate a lubricant fitting into an aperture within Flamme's female member in order for the hinge to retain lubrication, which protects the assembly from outside contaminants. (Col 11, line 57- col. 12, line 13).

Applicant has carefully reviewed the Kent reference, and respectfully submits that one having ordinary skill in the art would find no motivation to combine the two references. The Flamme reference is directed to an adjustable and removable door hinge, such as for affixation to a cabinet door. As can be seen by FIG. 6, the hinge pins 13 extend just a short distance outside of hinge pin supports 27 and when engaged with the female portion 22, would just enter the cylindrical bore. Such hinges are typically made for light duty indoor applications, and are therefore not subjected to weathering or other forces which would require a lubrication fitting to permit the hinge to be replenished with lubricant. The Kent reference discloses a locking device for locking a closure in an open position. The Kent reference specifically discloses that the "[l]ocking device 11 also includes grease seals 54, 56 and grease fitting 58 so that locking device 11 can be lubricated and will retain the lubrication. ... (See FIG. 2)." Col. 11, lines 57-59. The Kent device is clearly not in the field of hinges.

With respect to the Examiner's rejection of claim 8, which states that the "first and second male barrel portions are identical", referring to the Flamme reference, actually, the male portions are not identical, but are mirror images of each other. Accordingly, this ground of rejection is traversed.

Applicant accordingly submits that one having ordinary skill in the art would therefore find no motivation to provide a grease fitting

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from the locking device of Kent onto the hinge of Flamme, and therefore requests that this ground of rejection be withdrawn.

The Examiner rejects claims 3 and 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Flamme in view of Kent as applied to claim 1, and further in view of U.S. patent no. 5,771,538 to Huppert, Sr. However, since the Flamme and Kent references do not teach the basic teaching, Applicant respectfully submits that their combination with Huppert, Sr. likewise fails to render the invention obvious.

The Examiner rejects claims 2 and 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over Flamme in view of Kent as applied to claim 1, and further in view of U.S. patent no. 132,147 to Dodge. The Examiner appears to misunderstand the description of bevels on the female barrel portion and the male barrel portions. In Applicant's invention as recited in claims 2 and 10, the bevels are formed such that when the male barrel portions are inserted into the female barrel portion, a v-shaped groove is formed around the ring of contact. With this claimed design, even if the assembled hinged is painted, the paint will not tend to accumulate around this groove, and thus the hinge can operate more smoothly compared to prior designs where the outer edges abut without bevels. Applicant would refer the Examiner to FIG. 2, which shows the prior art, where the barrels do not have beveled edges, and FIG. 5 shows the V-shaped groove formed by the beveled edges of the female barrel next to the male barrels. The Dodge reference does not disclose this arrangement, but instead discloses an arrangement to "exclude rain and dust" from the hinge. Accordingly, Applicant respectfully believes that this ground of rejection is traversed.

The Examiner rejects claims 6, 7, 15 and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Flamme in view of Kent as applied to claim 1, and further in view of U.S. patent no. 470,514

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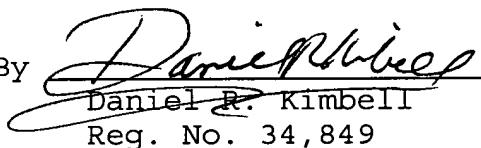
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to Simpson. While the Simpson reference does teach bar stock being used to form the male barrel portions, since the base claims (1 and 9) disclose patentable subject matter, so too should claims 6, 7, 15 and 16.

Applicant believes each ground of objection and rejection has been reviewed and overcome, if the Examiner has any remaining questions, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

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Enclosures: Drawing Sheet page 3

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